

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

CLAY MASSI,)
)
Plaintiff,)
)
v.) No. 3:05-CV-425
) (Guyton)
WALGREEN CO.,)
)
Defendant.)

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636(c), Rule 73(b) of the Federal Rules of Civil Procedure, and the consent of the parties, for all further proceedings, including entry of judgment. [Doc. 11]. This matter came before the Court on Plaintiff's Motion for Sanctions for Failure to Follow Court Order [Doc. 53]. The Court held a hearing on this motion on November 20, 2006.

The plaintiff moves for sanctions against the defendant for failure to comply with the Court's Order [Doc. 48] requiring the defendant to produce certain documents to the plaintiff. [Doc. 53]. Specifically, the plaintiff states that the defendant has not produced the contract between Walgreen Co. and Sedgwick CMS, as ordered by the Court.

The defendant initially responded that the contract between Walgreen Co. and Sedgwick CMS had been requested and would be furnished when received. [Doc. 54]. Subsequently, the defendant filed an amended response [Doc. 56], advising that the agreement has

been provided to plaintiff's counsel. Plaintiff's counsel confirmed at the hearing that he has now received all of the documents that the Court ordered the defendant to produce.

While the defendant's production of these documents, particularly the Sedgwick contract, was not timely, it appears that the dispute underlying the plaintiff's motion has now been resolved. Accordingly, Plaintiff's Motion for Sanctions for Failure to Follow Court Order [Doc. 53] is **DENIED AS MOOT**.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge